

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA**

SAMUEL MORRIS OVERSTREET,

Petitioner,

v.

**Civil Action No. 5:07cv59
(Judge Stamp)**

WARDEN JOYCE FRANCIS, et al.,

Respondent.

ORDER DENYING MOTION TO BARR

On May 8, 2007, *pro se* petitioner, Samuel Overstreet, filed a petition for habeas corpus pursuant to 28 U.S.C. §2241. On that same date, the petitioner filed a Motion requesting that this Court barr any request for a time extension by the government or prison officials and also requesting that the Court barr any attempt to move the petitioner to another facility.

The undersigned has previously filed a Report and Recommendation in which I recommended that the petition be denied without requesting a response by the respondent. Accordingly, the petitioner's motion to barr any request for an extension by the government or prison officials is moot.

Furthermore, 18 U.S.C. §3621(b) provides that "[the Bureau of Prisons shall designate the place of the prisoner's imprisonment. The Bureau may designate any available penal or correctional facility that meets minimum standards of health and habitability established by the Bureau, whether maintained by the Federal Government or otherwise and whether within or without the judicial district in which the person was convicted, that the Bureau determines to be appropriate..." Furthermore, the transfer of a convicted and sentenced inmate is within the sound discretion of the

Bureau of Prisons. Meachum v. Fano, 427 U.S. 215 (1976). Therefore, this court does not have the authority to barr the transfer an inmate.

Accordingly, petitioner's Motion to Barr (Doc.3) is **DENIED**.

IT IS SO ORDERED.

The Clerk of the Court is directed to mail a copy of this Order to the *pro se* petitioner and any counsel of record.

DATED: October 16, 2007

James E. Seibert
JAMES E. SEIBERT
UNITED STATES MAGISTRATE JUDGE